## REMARKS

Please reconsider this application in view of the above amendments and the following remarks. Applicants thank the Examiner for considering this application.

**Disposition of claims**

Claims 1-8 were pending in this application. By way of this reply, new claims 9-12 have been added. Thus, claims 1-12 are currently pending. Claims 1, 5, and 7-8 are independent. Claims 2-4, 6, and 9-12 depend, directly or indirectly, from independent claims 1, 5, 7, and 8.

**Claim amendments**

Claim 7 has been amended to recite a computer readable medium having encoded thereon a computer program product. Support for claim 7 may be found, for example, if at least original claim 8.

Further, new claims 9-12 have been added by this reply. Support for new claims 9-12 may be found, for example, in pars. [0014]-[0015] of U.S. Application Publication No. 2005/0223105[1] ("Published Specification"). No new matter has been added by the aforementioned amendment or any of the new claims.

**Rejection(s) under 35 U.S.C. § 101**

Claim 7 stands rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. As discussed previously, claim 7 has been amended to recite a computer readable medium

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[1] U.S. application publication no. 2005/0223105 is the publication of U.S. application serial no. 10/517,114.

in accordance with the Examiner's suggestion on page 2 of the Action. Thus, claim 7 is now directed to statutory subject matter. Accordingly, withdrawal of this rejection is respectfully requested.

**Rejection(s) under 35 U.S.C. § 103**

Claims 1-3 and 5-8

Claims 1-3 and 5-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0015977 ("Johansson") in view of U.S. Application Publication No. 2004/0166843 ("Hahn"). For the reasons set forth below, this rejection is respectfully traversed.

One or more embodiments of the claimed invention is directed to management of data and applications in, *e.g.*, a SIM card, by a server. For example, after receiving a request from a management server, the SIM card in a mobile phone automatically begins downloading specific information from the management server. *See e.g.*, Published Specification, p. 2, par. [0024]. Accordingly, independent claim 1 recites, *inter alia*, "communication device [in response to a management-request instruction]...automatically request[s] the server to effect a content downloading operation into the communication device via the second communication network." The aforementioned limitation explicitly requires automatic downloading of information from the management server in response to a management-request instruction. Independent claims 5 and 7-8 include at least a similar limitation as independent claim 1.

In order to establish a *prima facie* case of obviousness, the cited references must teach or suggest all the limitations of the claims. *See* MPEP § 2143. The Examiner admits that Johansson

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fails to disclose "automatic content downloading into a communication device via a second network." *See* Action, p. 4. Rather, the Examiner relies on Hahn to teach that which Johansson lacks.

The Applicants respectfully assert that Hahn fails to teach or suggest that which Johansson lacks. Specifically, Hahn is limited to switching communication with a mobile phone between two radio networks without data loss to increase bandwidth availability. *See* Hahn, par. [0033]. Specifically, after detecting the presence of a second network, the mobile phone of Hahn (already previously connected to a first network) will also establish connection with the second network. *See* Hahn, par. [0043]-[0044]. In particular, the portion of Hahn cited by the Examiner (p. 3, par. [0023]), is only directed to the simultaneous use of two networks (*i.e.*, in a situation where two mobile radio networks are connected to the mobile phone), and is silent with respect to automatically request[ing] the server to effect a content downloading operation into the communication device via the second communication network.

Moreover, Hahn explicitly recites that "the mobile terminal 7 identifies the presence of a second alternative mobile radio network 3 and decides to use it. To do this, the mobile terminal 7 sets up a connection to the access node 5 for the second mobile radio network 3." Hahn, par. [0043]-[0044]. Thus, Hahn is continuously searching for a second network, and upon detection, establishes a connection. In view of this, even assuming *arguendo* that the Examiner equates detection of the presence of a second available network with an automatic download of applications from a management server as required by the claimed invention, Hahn does not disclose, teach, or suggest content downloading. Although the mobile phone of Hahn may establish a connection to a

second network, Hahn is silent with respect to automatic content downloading into a communication device.

Further, Hahn is completely silent with respect to automatic content downloading, where the request is initiated via a first communicated network and the serviced by a second communicated network. Finally, Hahn requires that the mobile terminal initiate all communication with the networks. In contrast, the claimed invention requires the communication device to receive request over the first communication network and to communicate with the server over the second network.

In view of the above, the Examiner has failed to establish a *prima facie* case of obviousness using Johansson and Hahn. Accordingly, independent claims 1, 5, and 7-8 are patentable over Johansson and Hahn. Dependent claims are patentable for at least the same reasons as claims 1 and 5.


Claim 4

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Johansson and Hahn, and further in view of U.S. Application Publication No. 2002/0183045 ("Emmerson"). To the extent that the rejection applies to claim 4, this rejection is respectfully traversed.

Claim 4 depends from claim 1. As discussed previously, Johansson and Hahn fail to teach or suggest all the limitations of independent claim 1. Further, Emmerson fails to teach or suggest that which Johansson and Hahn lack as evidenced by the fact that Emmerson is only relied upon to teach or suggest a "security protocol." *See* Action, p. 5. In view of the above, the Examiner has failed to establish a *prima facie* case of obviousness using Johansson, Hahn, and Emmerson.

Accordingly, independent claim 1 and dependent claim 4 are patentable over Johansson, Hahn, and

Emmerson. Withdrawal of this rejection is respectfully requested.
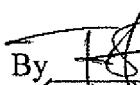
**New Claims**

New claims 9-12 depend from claims 1, 5, 7, and 8. Accordingly, dependent claims 9-

12 are patentable over the cited references for at least the same reasons as independent claims 1, 5,

and 7-8. Thus, favorable action in the form of a Notice of Allowability is respectfully requested.

**Conclusion**

Applicants believe this reply is fully responsive to all outstanding issues and places this

application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner

is encouraged to contact the undersigned or his associates at the telephone number listed below.

Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference

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Dated:   October 8, 2007                      Respectfully submitted,

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